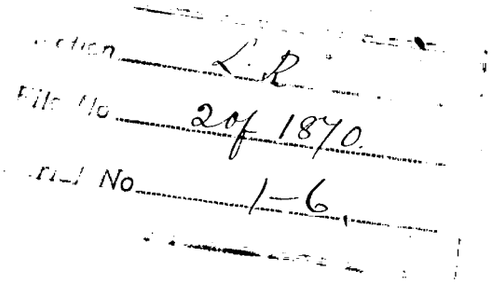
1870.
(L.R).

File No: 20/1870
Serial No: 1-6.

Subject: Prohibition of the issue of Joint Pattahs.

"B"



Prohibition of the issue of joint pattahs.

Indexed

1870.

From The Superintendent
Nandidrug

To The Secretary to Govt
Chief Comm

Dated 7th September

Despatched 8th

Received

Enclosures No.

General No. 715 1870-71

Rev No. 3

Submits for the Chief Comm
approval draft Rules for
for the guidance of
regarding the

ceived from the Superintendents of Nadia, and Settlement Commissioners Circular &c. &c. &c. against the issue of Joint Puttahs—

Survey and Settlement Com.

Admits that a difficulty often occurs in dealing with Joint Puttahs but objects to the letting of a part of a field. Does not consider that the Rule proposed by Mundlik Supt. provides the best remedy. Rule 2 provides that in the case of a field let to large farmers one person to cultivate one person only is responsible for the assessment or adequate security and that the shares and payments of the co-sharers may be entered in the Puttah, but this does not absolve the Puttadar from his responsibility to Govt. The responsibility of the co-sharers is not clear, whether they are to pay Govt. or the Puttadar, and their rights present or future. The benefit reaped by the latter too, or who is responsible and gives security for the payment of the whole assessment, is not very apparent. If the co-sharers are out tenants of the Puttadar under whatever agreement among themselves, there is no necessity for the entry of their names in the Govt. Registers and no

Chief Commr.s Orders

Read 1.2.20

Entirely approve the principle proposed below, but as there is a difference of opinion as to the necessity for the introduction, which he opposes but to apply to the Supt.s Mundlik may be of the effect and that he is attached to limit their adoption to his Dist. both as to effect, the case being trifle. That their application should be confined to Govt. Estates

1. Entirely approve the principle proposed below, but as there is a difference of opinion as to the necessity for the introduction, which he opposes but to apply to the Supt.s Mundlik may be of the effect and that he is attached to limit their adoption to his Dist. both as to effect, the case being trifle. That their application should be confined to Govt. Estates

2. The Supt.s may be similarly addressed.

3. Inform the Supt.s Mundlik &c. that the Rules are not to be extended to his Dist. as he & the Dy. Supt.s think they are not required at present but that the question of the Puttah should be

Abstract statement of replies re
frame and Sugar Divisions and the Survey
21 dated 19th September 1870, regarding the Godh

Supdt. Nellapuram Division	Supdt. Sugar Division
Concurs with the Sugar and Nassau Depy. Supdts. that no change is desired in the present practice as the Rules framed by the Irundidurg Supdt. appear to need difficulties and felt in the Nellapuram Divn. The Depy. Supdt. reports that the Puttadars generally being responsible for the payment of the Kaudayam. there is no need to apprehend any inconvenience and loss of Govt. in the collection of Rent. from want of security against them, which is apparently the object of the Irundidurg Supdt. to secure by the prohibition of Joint Puttahs. The refusal to issue these to two or more owners of a field would lead to much inconvenience and litigation. In many cases a single bit of land is jointly registered in the names of several divided members of a family, and if such a land owner relinquishes half of his field for a consideration and complies with the Revenue Rules respecting such transfer, the	Concurs in the principle of the Rules proposed by Irundidurg Supdt. remarking that the objections raised by the Chinsulpuram Depy. Supdt. does not apply, inasmuch as the rules in question do not contemplate the recovery of Kaudayam due by several Joint Holders from the Puttadar alone. The Chinsura Depy. Supdt. is of opinion that there is not the slightest objection as far as he can see to the draft rules being enforced. The Cuddapah Depy. Supdt. remarks that by a Government order No. 318 of the 30th July 1862 in force in the District sufficiently meet the case, and is simple in operation as the rule would work. He is of opinion that it is preferable to the more elaborate draft rules proposed. The Chingleput Depy. Supdt. states that the Rules are inapplicable to this District. Joint-Pattahs are surveyed and settled, and the other three will be so shortly, and as regards the advisability of stopping the issue of Joint Puttahs he observes that such a measure

deprecates any interference of Govt. where so many interests are concerned as it must lead to corroborate confusion and fraudulent representations on the part of the Ryots. It would be harder still to find out who is the head of each household and the exact extent of the holding of each co-sharer. The project could not be carried out until after the completion of the Revenue Survey.

(Survey Comptr Contd)

no doubt can arise as to who the responsible party is. Supreme Court / as it stands but proposed the following addendum:- "if two or more persons desire to take up a field together, one only can be received as Puttadar and responsible for the entire assessment, the other may occupy under the Puttadar on whatever terms they may mutually agree* upon between themselves, which, to prevent dispute should be recorded in writing and a copy duly attested kept by each."

* N.B. This will not alter the case of Puttahs granted to existing joint-holders with object.

23.12.70

Issue of Joint-Puttahs
& Ch. Comm
23.12.

---

6 Dec. 70.

Rule / should be made:-

2. The Lt Gov. may prescribe the limits of Puttahs.

3. Upon Lt Gov. & Ch. Comm. declaring the Rules shall not be extended to this Dr as he & the Dy. Lt Gov. shall be of opinion that the Settlement of the Puttahs should be

(Ashtagram continued)

the Settlement Officer is bound to grant the purchaser a Joint Puttah. The same arrangement holds good in cases in which a field is divided among the members of a family according to the Law of Inheritance. As cultivation improves, the necessity for Joint Puttahs will increase and any difficulty in collecting the proper amount of Kist arises from other causes than the poverty of the Puttadar. The fact of paying Kumdayem is of great value in deciding cases of ownership. By Capt. Clarke's system the Co-sharers might protect themselves by subsidiary agreements whether oral or written, but this would not only lead to much litigation and fraud, but would cause more trouble than the present slight inconvenience, and would produce results which should particularly be guarded against. The Nassau Dy. Supdt. is of opinion that no change is needed in the present system as no difficulty is experienced. Many family disputes are avoided by having duplicate puttahs and the Puttadars are assured that their rights are maintained and respected. Their fields and those of their sub tenants are entered in the Patwari or village register and in the case of the Puttadar's absence they pay the Kumdayem. It precludes any interference of Govt. where so many interests are concerned as it must lead both to corruption and fraudulent representations on the part of the Khudkhasta. It would be harder still to find out who is the head of each household and the exact extent of the holding of each co-sharer. The project could not be carried out until after the completion of the Revenue Survey.

(Nagar Continued)

measure would be attended with some disadvantage. The interests of the Ryots are sufficiently secured by the insertion of the names and possessions of the co-sharers in the Puttah and the interests of the State by holding one person responsible, but the latter proves detrimental to the position of the other holders who are thus reduced from being proprietors to mere sub-tenants. It is also likely that the Puttadar will abuse his position and as his liabilities increase, so will the amount of Loss to Govt. from desertions. The proposal to take securities from the Cultivators would tend to place the Ryots in the hands of unscrupulous men and reduce profits, and as this land is the Ryots best capital it ought to be the only security looked for.

17/12/70

No. 893 of 1870

From

Colonel W. C. Anderson

Survey and Settlement Commissioner

Mysore

To

The Secretary to the Chief Commissioner

for the Government of the Territories

of His Highness the Maharajah

L. R. 1870

Mysore.

2 of Survey Commissioner's Office

2. Poona 19th September 1870

Sir,

With reference to the Rules regarding

joint Puttas forwarded to me for

opinion with your Docket General No. 3121

Revenue No. 21

of the 10th instant I beg to offer the

following remarks.

2d I can quite understand that

a difficulty often occurs in dealing

with joint Puttas and also that

it is objectionable to allow a part

only of a number or field to be

taken up for cultivation. But I

am

am not clear that the 2d of the proposed rules provides the best remedy.

3d Rule 2 provides that in the case of a field inconveniently large for one person to cultivate, one person only of several applicants shall be held responsible to Government for the assessment of the whole field on adequate security. But so long as the Puttah shall stand in his name the names of the co-sharers may be entered in the Puttah their shares and payments being defined. But still this does not absolve the Puttadar from his responsibity to Government.

4th The responsibility of the coshares is

is not very definite, or whether they are to pay to the Puttadar or to Government, neither are their rights, present or future, clear. The responsibility of the Puttadar is definite enough, he is responsible for all the assessment of the whole field and finds moreover security for the payment of the whole. The benefit he reaps in return is not so clear The only assumption must be that these cosharers are subtenants of the Puttadar on whatever terms they may have mutually agreed upon and to carry out this form of subtenure no entry in the Government Books of the names of the subtenant is necessary and no doubt can

arise.

arise about who is responsible for the revenue; or, at some future period, as to who is the proprietor under Government of the land.

4th. I would confirm rule 1 as it stands adding as follows, "if two or more persons desire to take up field together one only can be received as Puttadar and responsible for the entire assessment the others may occupy under the Puttadar on whatever terms they may mutually agree upon between themselves, which to prevent dispute should be recorded in writing and a copy duly attested kept by each."

Your obdt. servant,

Survey & Settlement Commissioner
Mysore

No 49

1870

From The Survey of Settled Country

To

Dated 16 Septr

Despatched

Received Sep 22

Enclosures No.

General No. 893 (18)

No.

Reference to docket No 3121/21 dated 10 inst, offering certain remarks regarding the subdivision of Pjoni Puttahs.

Chief Clerk

Asst. Supt's Office

Genl. N. 1669 } 1870/71.
R.O.: " 80
No.

3

The Secretary to the
Chief Commissioner of Mysore

Dated Mysore 15th November 1870.

Sir.

In reply to your Docket Cir: No. 3121/21 of the 16th Sept. last, forwarding for opinion Copy of Draft Rules proposed by the Sub-t of Sandoor Division, prohibiting the issue of joint Pattahs, I have the honor to forward Copies of letters No. 1179 & 669 of the 25th Ult. and 2nd Inst. from the Dep. Superintendents of Shimoga & Mysore respectively, and to state that I fully concur with them in thinking that it would not be advisable to make any change in the present practice.

The Rules suggested by Capt. Clarke appear to have been framed to meet difficulties which are not felt to exist in this Division.

I have the honor to be
Sir.
Your Most obed. Servant

Asst. Supt.

No. 479

To

The Superintendent of N. D.

Dated Mysore 26th Oct. 1870.

Sir.

I have the honor to acknowledge the receipt of your Dy. No. 283 of the 11th instant, forwarding for opinion, Draft of Rules proposed to be issued by the Superintendent of the Nandidroog Dy., prohibiting the issue of joint Pattas.

II. According to the practice obtaining in this District, it is to the registered Pattadar alone that Govt. always looks for the revenue due from the land. The Kandayam of a field is not demanded from Co-parceners unless their names are jointly registered in the Patta. The responsibility of Shikmidars for Govt. dues, is never recognized, unless the Pattadar has formally deputed his Shikmidar to pay the Govt. Revenue.

III. The main object of the Supt. of Nandidroog in advocating the prohibition of joint Pattas is to remove inconvenience and loss to Govt. which may arise in consequence of the want of security against all and several of the Pattadars, for the payment of Govt. Revenue. My experience serves to show that there is no reason to apprehend such inconvenience and loss in the recovery of Govt. dues. In many cases a single bit of land is jointly registered in the names of several divided members of a family and

their

their Shares are Specified in the joint Patta-
These Shareholders regularly pay the Cundayam
of their respective Shares and secure receipts
for payment. Each Co-parcener takes particular
care that the Cundayam of his share is not
paid by another and even brings a Complaint if
such payments take place. Hence no difficulty
is experienced in the Collection of Govt. arrears.

IV. A Patta being a token of proprietory
right to a land as distinguished by sub-Proprie-
-tory rights, I am of opinion that refusal to
issue joint Pattahs to two or more owners of
a field affects the relative rights of parties
& would give room to much inconvenience and
litigation. It is not uncommon for a field
held by a single individual, though forming one
number, to be extensive in area, and valuable.
If such land-holder alienates half of his field
to another for a certain Consideration, the usual
Pazhaimah and Dara Chast are presented
to the Settlement officer, for registry of the
transfer, in Conformity with the existing Revenue
Rules, and the portion of the land transferred
being one number, the Settlement officer is bound
to issue a joint Pattah to the purchaser. In
such a case, I do not see how a Rev. officer can
refuse joint registry. It may be assumed, pre-
-sumed that no person will be inclined to
purchase fractions of a field if he understands
that he is not to receive joint Pattah; and the

land-holders

I believe under the Sum. Settlement a Ryot is entitled to be so called

W.R.

landholders will thus be deprived of the benefit of retaining such portion of the fields as their means allow them, and selling the other portion to others, to the mutual benefit of both parties:

V. The same arguments are applicable to cases in which a field may be divided between the members of a family according to Law of Inheritence, and joint Pattah is sought after. In fact it appears to me that, as cultivation improves and progresses, the occasions for joint Pattah will increase, and that any difficulties of collecting the proper proportion of Rists, will arise from other causes than poverty, and which can consequently be guarded against.

VI. The fact of payment of Kandayam is often of material value in deciding questions of ownership, whether in Summary or regular suits, and in the present Mirasi form of village Accounts the ascertaining of the necessary particulars is comparatively easy. It is true that were Capt. Clarke's suggestion to be adopted, the Co-sharers might protect themselves by mutual agreements parol or written, but this would probably occasion much litigation and fraud, which would not only cause more trouble than present slight inconveniences arising from joint Pattas, but produce results among the Agriculturalists which we should particularly guard against.

VII Under these Circumstances I am not inclined to recommend the discontinuance of the present practice of issuing joint Pattahs.

Have &c

(Signed) L. Ricketts

Offg Dy Insp.r

Deputy Inspr's Office

Rapoor District

Rapoor 2d November 1870

No 669

To

The Superintendent &c &c

Sir,

I have the honor to acknowledge the receipt of your letter No 283 of the 14th Oct. 1870 forwarding for an expression of opinion Copy of draft Rules proposed by the offg Insp.r of Bangalore to be issued relative to the proposed prohibition of the preparation of Joint Pattahs.

2. The advantage of any change in the present System is not obvious, as no difficulty whatever is experienced as presumed in this District in the realization of Govt. dues; many family disputes are now avoided, and the Jandidars who are supplied with duplicate Pattahs have a guarantee that their rights are maintained; whereas were their names simply to be included in the Pattahs as minor holders and payments on account of Caidayam not entered in their duplicate Pattahs they might soon by Collusion

on

From 1870.

The Supt. Cus

To The Secretary to the Chief Commr.

Dated 15 Nov.

Despatched

Received 17 Nov. 18

Enclosures No.

General No. 1669 } 1870-71.
Rev: No. 80 }

Opium Circ Rs 5121 @ 10 dft/k
2.

Submits opinion on Draft Rules proposed by the Supt Nandroung Dr prohibiting issue of joint Pattas.

W. W.

1870

From, The Deputy Superintendent
Shimoga District

To
The Superintendent,
Mysore Division
14th November 1870.
No. 433.

Your D.O. Ref No. 2566. Rev: 57. dated the 21st Sept. last, calling for the expression of opinion on the subject of the prohibition against the issue of Jointa Puttahs.

I has the honor to state in reply, that, having given full consideration to the subject therein alluded to, the Deputy Superintendent is of opinion that there is not the slightest objection in so far as he can see, to the draft Rules proposed by the Superintendent Mysore

= drawn

= Sibsagor Division being enforced =

Signed A. H. Slatt

Camp Sirakoopar

Deputy Superintendt

Sibsagor Dt

Kadoor District

No. 579

Deputy Superintendt's Office

Cabin Kmoglow, 7th October 1870

To,

The Superintendent,

Kyar Division

Sir,

In reply to your Circular

Docket No. 2566 of the 21st Ult: (Rev: 57)

enclosing Draft Rules to be in future enforced on joint holders of Puttahs, and calling for an expression of opinion thereon, I have the honor to state that, Division Order No. 318 of the 30th July 1862, in force in this District, sufficiently meets

meets the case, and is simple in operation: the purport of it is as follows –

The names of all the applicants are entered, and each and all are severally and collectively held answerable for the full amount of the assessment on the whole holding, while no resignation for a portion thereof is accepted; but if not occupied or cultivated by the holders who may die or abscond, the other or others are answerable for the assessment &c. – The rule I hear, has worked smoothly and is in my opinion preferable to the more elaborate draft rules now submitted.

I have &c.

(Signed) E. J. Pearse

Deputy Superintendent

Salem Division

Chitaldroog District

Deputy Superintendent's Office

Chitaldroog 1st October 70

No 482

E.P.

To,

The Superintendent,

Kayar Division.

Sir,

With reference to your Lr. No. 2566 Rev. 57 of the 21st ultimo, forwarding for my opinion, draft of Rules proposed to be issued for the guidance of Amils as to the prohibition against the issue of joint Puttahs, I have the honor to state that, so far as this District is concerned, the Rules are inapplicable, since 7 out of 10 Talooks have been surveyed and settled, and the remaining 3 will be so shortly; and as regards the general question, whether or not it would be advisable to put a stop to the system of granting joint puttahs in the unsurveyed portions of the Province, I beg to submit it as my humble opinion that, the Rules would be attended with

Some

some disadvantage – There are two classes of interests to be secured, viz: those of Ryots holding shares and those of the State. The former might be said to be sufficiently secured by the insertion of the names and possessions of all the co-Sharers in the puttah, and the latter by holding one person, i.e, the puttahdar responsible for the payment of Government dues, but the latter proviso necessarily arms the puttahdar with the power of levying the rent from the other holders whose titles perhaps are as good as his own, and most of whom would consider their positions reduced to that of mere sub-tenants from that of proprietors by the arrangement – It is also not unlikely that this power will be used to the prejudice of the other holders, and as the amount of the puttahdar's liability increases, so will the amount

J

of loss likely to accrue to the State by desertions, increase.

As regards the proposal of taking securities from cultivators, I beg to submit that, I am averse to it in as much as it has a tendency to place the Ryot in the hands of monied men and reduce the profits of his labor — The land on which he toils, is his best capital, and ought in my humble opinion, be the only security looked to —

I have &c

(Signed) P. Sreeteramaroo

Off. Deputy Superintendent

(True Copies)

for Superintendent

Cuddapah

Cud. L.

Gen'l. 5005
Rec. 61

16. 6. 6. B.

Camp Kookrawarrante 24th Decr 1870

To

The Supt. Ashkim Dist.

Sir,

With reference to your letter No. 664-60 of 15th. Inst. last, submitting your opinion on the Rules proposed by the Supt. of the Islands Dist., prohibiting the ejine of joint Pattahs, I am directed to state that these Rules will not be extended to your Dist., as you and the Dist Supts consider that they are not required, but the Chief Commr. desires that the future ejine of joint Pattahs should be discountenanced as much as possible, & should not be permitted except on some special reason in each case. A Copy of the letter to the Supt. Islands Dist. No. 1870 is attached.

24.12. N.B.

24/12/70. Offg Secy

† 1 to enclosure

Pleasure 1870.

From 89

To The Superintendent of
Ashtaghram

Dated 24 December 70

Despatched 29 - - -

~~Received~~
Rec'd. 4 Jany.

Enclosures No.

General No. 5005
Ecclesia. 61 } 18

With reference to your
letter No. 1669/80 of 15 November last
state that the pasture
is one of joint Patta
should be discontinued.

6

G. 6. 6.

6 camps Bookr awarsanté 24th Decr 1920

X Genl L: 50043 ✓
Rev 125

O L: 5004 ✓
164

G. M. 20. The Dept. [X] circulatory [O] Vaccination Dte

2 - 1 Encl

6. In reply to your letter No 2731 of 7th ult. [3574/116 of 6th Instant], I am directed to state that the 6 Cmsrs [illegible] entirely approve of the principles, the Rules, proposed by you [the Local Govts.], prohibiting the issue of joint Certificates, and accordingly authorise their adoption in your Division with prospective effect, due care being taken that their application does not interfere with any existing rights.

2. Copy of a letter No 8,93 of 19th Septr last from the Survey and Settlement Commr, containing his opinion on the Rules in question, is hereto appended for your information, and I am directed to request that the modifications proposed by him to the Rules may be made.

/Read in letter to Madras Govt/ 3. The orgl enclosure of your letter are herewith returned.

I have &c

24. 12.

24/12/20.

Offg Secy

Revenue 1870

To Rec'r Nugent No. 5004
the Superintendent of ×64
Surveying and
Navigation

Dated 24 December 70

Desp. 29th
Rec'd 5 January 1871

No. 5003 5004
Acct. 125 ×64

In reply to letter
conveys approval to the
proposed Rules prohibiting
the issue of joint Patents.